

Order

**Supreme Court
Lansing, Michigan**

October 6, 2005

127144 & (40)

VILLAGE OF LINCOLN,
Plaintiff-Appellee,

v

VIKING ENERGY OF LINCOLN, INC.,
Defendant-Appellant.

Clifford W. Taylor,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

SC: 127144
COA: 246319
Alcona CC: 00-010619-CE

On order of the Court, the application for leave to appeal the August 24, 2004 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), we direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action permitted by MCR 7.302(G)(1). The parties shall file supplemental briefs within 28 days of the date of this order, and are directed to include among the issues briefed: (1) is the issue of whether the ordinance was properly enacted moot; (2) does the doctrine of *Jackson v Thompson-McCully Co, LLC*, 239 Mich App 482 (2000), lack meaningful standards for consistent application and is it consistent with the City and Village Zoning Act, MCL 125.581 *et seq*; and (3) has defendant Viking Energy abandoned the procedural challenge to the ordinance by failing to raise it pursuant to MCL 125.585(11). The motion to appear *pro hac vice* is GRANTED.



s0929

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 6, 2005

Corbin R. Davis

Clerk